

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DONALD R. WALKER, DDS,)
Plaintiff,)
v.) No. 1:21-cv-02291-RLY-TAB
RICHARD R. NOWASKOWSKI, Indiana)
Dental Board Member, DDS, *et al.*,)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

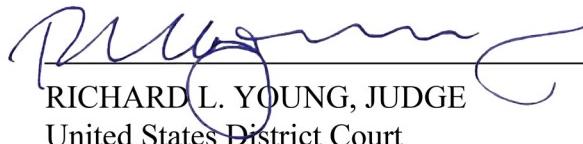
This case has been pending since August 19, 2021. On January 3, 2023, after issuing show cause orders and granting Plaintiff extensions of time to effectuate service, the Magistrate Judge recommended this case be dismissed without prejudice for failure to effect service on Defendants, Richard R. Nowaskowski, Mark R. Stetzel, Robert Findley, Roger G. Sheline, Indiana Professional Licensing Agency, Governor Eric Holcomb, Luke Bosso, Curtis T. Hill, Jr., Amber Cordova, Jean Marie L. Leisher, and Connie Gilchrist. Plaintiff filed a response,¹ only addressing his attempts to serve Richard Nowaskowski, Curtis Hill, and Amber Cordova.

¹ To be precise, Plaintiff filed a Response to the Magistrate Judge's Supplemental Order giving Plaintiff until December 20, 2022, to file proof of proper service on the Defendants listed above. In the Supplemental Order, the Magistrate Judge informed Plaintiff that he would recommend dismissal of any Defendants for which proof of service has not been provided on the docket. The docket did not reflect Plaintiff had effectuated service on those Defendants by December 20, 2022; therefore, he issued the instant Report and Recommendation on January 3, 2023. Because the Response to Supplemental Order was filed on January 11, 2023 and responds to the service of process issue raised in both the Supplemental Order and Report and Recommendation, the court construes the Response as an Objection to the Report and Recommendation.

Plaintiff indicated he mailed a certified copy of the summons and complaint to Richard Nowaskowski and Curtis Hill, but the return receipt was returned unsigned. Thereafter, he personally mailed the documents to them through the U.S. Postal Service. (Filing No. 29, Response to Supplemental Order at 1-3). But service on Richard Nowaskowski and Curtis Hill was not proper, as service must be made by someone over the age of 18 who is not a party to the lawsuit. Fed. R. Civ. P. 4(c)(2). Plaintiff is obviously a party to this lawsuit. Plaintiff also indicated he is unable to locate Amber Cordova and requests additional time to locate her. Given the procedural history of this case, that request is denied.

For the reasons just stated, the court **ADOPTS** the Magistrate Judge's Report and Recommendation (Filing No. 27). This case is **DISMISSED WITHOUT PREJUDICE** as to Defendants Richard R. Nowaskowski, Mark R. Stetzel, Robert Findley, Roger G. Sheline, Indiana Professional Licensing Agency, Governor Eric Holcomb, Luke Bosso, Curtis T. Hill, Jr., Amber Cordova, Jean Marie L. Leisher, and Connie Gilchrist.

SO ORDERED this 6th day of February 2023.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Copy to U.S. Mail to:

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Noblesville, IN 46062